

Serial No. 09/941,304
Docket No. PISCES 00.01 DIV
Amendment D under Rule 116

REMARKS

Independent claim 26 has been amended to specify that the coating is a non-photosensitive coating and is applied directly to a silicated anodized aluminum plate.

In rejecting claims 26-28 as obvious from Ma et al. in view of Bratt and Platzer et al., the Examiner acknowledges that Ma et al. fails to teach a silicated anodized aluminum plate as required by Applicants' claimed invention. However, the Examiner takes the position that the missing teachings are supplied in part by Bratt and in part by Platzer et al. It is submitted the Examiner has cherry picked teachings from the prior art using Applicants' invention as a template to make out a case for obviousness.

Ma et al., like the instant claimed invention, involves a non-photosensitive system. On the other hand, Bratt and Platzer et al. are photosensitive systems. More particularly, Ma et al. teaches a non-photosensitive layer comprising an acid-containing polymer, and an ink comprising an esterification agent which is capable of reacting with the acid groups in the polymer applied imagewise to the polymer coating. Thus, Bratt and Platzer et al. are fundamentally different from Ma et al. and the instant claimed invention. Moreover, the motivation to combine the three prior art references in the manner suggested by the Examiner is not there. Thus, the rejection of claims 26-28 as obvious from Ma et al. in view of Bratt and Platzer et al. is in error, and reconsideration thereof is respectfully requested.

A Terminal Disclaimer has been filed, thus rendering moot the rejection of claims 29-31 for obviousness-type double patenting.

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The foregoing amendment makes no claim changes that would require further search or consideration by the Examiner. Accordingly, entry of the foregoing amendment, and allowance of the application are respectfully requested.

Form PTO-2038 in the amount of \$55.00 for the Terminal Disclaimer fee under 37 CFR 1.20(d) accompanies this Amendment.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.


Respectfully submitted,



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CERTIFICATE OF TRANSMISSION VIA FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to EXAMINER Stephen R. Funk of the United States Patent and Trademark Office at facsimile number (703) 872-9306, on May 7, 2004, 2004 from Tucson, Arizona.

By 

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